

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2004-178-E - ORDER NO. 2004-521

OCTOBER 21, 2004

IN RE: Application of South Carolina Electric & Gas Company for Approval of an Increase in its Rates and Charges.	) ) )	ORDER GRANTING EXTENSIONS FOR PREFILING TESTIMONY
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This matter comes before the Public Service Commission of South Carolina (the Commission) on the requests of the Department of the Navy (The Navy), the Consumer Advocate for the State of South Carolina (Consumer Advocate), and the South Carolina Energy Users Committee (SCEUC) (collectively, the other Parties) for extensions of time within which to prefile direct testimony and exhibits regarding South Carolina Electric & Gas Company's (SCE&G or the Company) Application for approval of an increase in the Company's rates and charges. The other parties were originally scheduled to prefile testimony and exhibits on or before October 11, 2004, as set forth in letter of the Commission dated July 12, 2004, which established prefiling deadlines for the instant docket. By the July 12, 2004 scheduling letter, the Commission Staff (Staff) was also to prefile its direct testimony and exhibits on October 11, 2004.

On September 24, 2004, the Staff filed a request with the Commission seeking a one week extension for prefiling its testimony and exhibits. As a consequence of the Staff's request for a one week extension, the other Parties filed requests asking that the same extension be accorded to the other Parties likewise.

On September 30, 2004, the Navy filed its request for an extension, dated September 27, 2004, stating that the Navy has no objection to the Staff being granted the one week extension, but would like to have the same extension should the extension be granted to Staff. The Navy asserts that it still has data requests pending and could use additional time to digest and formulate the Navy's testimony based on the information contained in the data requests.

The Consumer Advocate filed its request, dated September 30, 2004, on October 5, 2004. The Consumer Advocate states that because the Commission ruled today<sup>1</sup> to grant the Staff an additional week to prefile its testimony that the Consumer Advocate seeks confirmation that the extension applies equally to the other parties. If the Commission intended by its ruling to extend the prefilings deadline only to Staff, the Consumer Advocate states that as a matter of due process and fair treatment to all parties that the Consumer Advocate requests the same extension be granted to all parties. The Consumer Advocate adds further that in recognition of potential difficulties faced by SCE&G with regard to filing its rebuttal testimony that the scheduling order could also be shifted to accommodate concerns that SCE&G might have.

On October 5, 2004, the SCEUC filed its request, dated September 30, 2004. The SCEUC states that in view of the Commission's ruling earlier today<sup>2</sup> allowing the Staff to prefile its testimony on October 18, 2004, the SCEUC joins in the request of the Consumer Advocate for confirmation that the extension applies equally to all other parties. However, according to the SCEUC, if the intent of the Commission was to limit

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<sup>1</sup> As stated herein, "...today," is in reference to the Commission's weekly agenda meeting held September 30, 2004.

<sup>2</sup> As stated herein, "ruling earlier today," is in reference to the Commission's weekly agenda meeting held September 30, 2004.

the extension to the Staff, the SCEUC requests and moves that all parties be granted an extension until October 18, 2004, to prefile their testimony. The SCEUC asserts that due process would compel the decision to grant the extension to all parties. The SCEUC adds its belief that SCE&G and other parties should be granted a reasonable opportunity to file and serve rebuttal and surrebuttal testimony under the circumstances.

By correspondence dated September 28, 2004, and filed October 1, 2004, SCE&G states its opposition to the requests for extensions of the Navy, the Consumer Advocate, and the SCEUC and requests that the Commission deny these requests. SCE&G states that while it has concerns with the Staff's request for an extension, that it does not oppose Staff's request due to the extraordinary circumstances involving the Staff, as SCE&G expressed in its earlier letter of September 18, 2004, in response to the Staff's request. According to SCE&G, if the Consumer Advocate's and the SCEUC's requests are granted, it will be virtually impossible for SCE&G to prepare the Company's rebuttal testimony and prepare the Company's witnesses for the hearing in this proceeding. SCE&G states that, notwithstanding the facts that the Company filed its Application on July 1, 2004, its direct testimony on July 15, 2004, and its response to Staff's data request on August 2, 2004, the Consumer Advocate and the SCEUC initiated no discovery until August 9, 2004 and as recently as September 22, 2004, and September 30, 2004, respectively, the Consumer Advocate and the SCEUC have continued to file discovery requests in this matter. According to SCE&G, last minute discovery requests will further exacerbate the situation. The Parties, according to SCE&G, have offered no justification for the requested extensions other than the fact that the Commission has granted an extension to the Staff.

Upon consideration of the requests of the Parties, the Commission finds sufficient cause to grant the extensions for prefiling direct testimony and exhibits in the instant docket. At the Commission's weekly agenda meeting on September 30, 2004, the Commission granted the Staff's request for a one week extension for Staff to prefile its direct testimony and exhibits, and accordingly issued Order No. 2004-520 which extended Staff's prefiling deadline from October 11, 2004, to October 18, 2004. Order No. 2004-520 granted the prefiling extension to Staff only. As the Parties seek to have the same extension granted as has been granted to Staff, we find that due process will be served by allowing the Parties the same time period for prefiling testimony and exhibits as allowed the Staff. Although SCE&G has voiced objection to the Parties' requests, we do not find sufficient evidence in SCE&G's objection to deny the Parties' request. So that no party will be prejudiced by modification of the dates set forth in the scheduling letter of July 12, 2004, we will allow a reasonable opportunity for all parties to file rebuttal and surrebuttal testimony in this proceeding.

IT IS THEREFORE ORDERED:

1. The Navy, the Consumer Advocate, and the SCEUC are granted one week extensions for prefile direct testimony and exhibits.
2. The Navy, the Consumer Advocate, and the SCEUC shall prefile their direct testimony and exhibits on or before **October 18, 2004.**
3. A reasonable opportunity will be given for rebuttal and surrebuttal testimony and exhibits to be filed.

4. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

/s/  
Randy Mitchell, Chairman

ATTEST:

/s/  
G. O'Neal Hamilton, Vice Chairman

(SEAL)

